

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
LENNY HERNANDEZ,	:	
	:	10 Cr. 802 (LAP)
Defendant.	:	
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WHEREAS, on or about September 9, 2010, LENNY HERNANDEZ (the “Defendant”), among others, was charged in a two-count Indictment, 10 Cr. 802 (LAP) (the “Indictment”), with conspiracy to distribute and possess with intent to distribute Oxycodone, in violation of Title 21, United States Code, Section 846 (Count One); and conspiracy to commit health care fraud, in violation of Title 18, United States Code, Sections 1349 and 24 (Count Two);

WHEREAS, the Indictment included, a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment and any and all property used, or intended to be used, in any manner or part to commit, or to facilitate the commission of, the offense charged in Count One of the Indictment, including but not limited to various specific assets;

WHEREAS, on or about March 14, 2012, the Defendant pled guilty to Count One of the Indictment;

WHEREAS, on or about September 26, 2012, the Court sentenced the Defendant to (as relevant here) a forfeiture money judgment in the amount of \$348,000 in United States currency (D.E. 138);

WHEREAS, the Government seeks a written preliminary order of forfeiture/money judgment reflecting a money judgment in the amount of \$348,000 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained; and

WHEREAS, the Court finds that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$348,000 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, LENNY HERNANDEZ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Illicit Finance & Money Laundering Unit, 26 Federal Plaza, 38th Floor, New York, New York 10278 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Asset Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

SO ORDERED:



HONORABLE LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

2/4/25

DATE